



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,062	12/19/2001	Eric A. Whitehill	MESH031	9916

7590 04/27/2006

MOTOROLA, INC.
8000 West Sunrise Boulevard
Law Department - MD 1610
Plantation, FL 33322

EXAMINER

MEHRA, INDER P

ART UNIT PAPER NUMBER

2616

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,062

Applicant(s)

WHITEHILL, ERIC A.

Examiner

Inder P. Mehra

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/29/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application dated: 12/19/01.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-5, 8, 11-12, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘**Schilling et al** (US Patent Application No. 2002/0067756), hereinafter, ‘756, as above, in view of **Wang et al** (US Patent No. 5,850,392), hereinafter, Wang

For claims 1, 4-5, 8, 11-12, 15, and 18, ‘756 discloses “A communications node, for use in a mobile wireless ad-hoc communications network, refer to figs. 2-5, refer to paragraphs 0001, 0010, 0012, a computer readable medium of instructions for controlling a communications node to communicate in a mobile wireless ad-hoc communications network, **as recited by claims 12 and 15**, comprising:

- a transceiver (350 in figs. 4-5), for transmitting and receiving messages to and from other nodes in said network, **as recited by claims 1, 8, 12**, refer to figs. 4-5, paragraphs 0010 and 0012; and
- a plurality of nodes for communicating with each other, as recited by claim 5, refer to figs. 4-5;

Art Unit: 2616

- a controller (flow control, 340 in figs. 4-5), for controlling said transceiver to spread a transmission message for transmission to a destination node in said network, refer to 340 in figs. 4-5, refer to paragraphs 0012, 0014 0015, and 0036,
- Wherein said network includes at least one access point (Hub node), for enabling said node to communicate with a network other than said network, **as recited by claims 4-5, 11 and 18, ;** and said destination node includes said access point, **as recited by claims 4, 11 and 18, (using traffic information----destination address to the hub nod the flow control subsystem routes the packet through appropriate nodes,** (refer to abstract, and paragraphs 0014-0015).

Schilling does not disclose explicitly the following limitation, which is disclosed by Wang, as follows:

- said network based on information pertaining to an address of said destination node and information pertaining to at least one other factor (sequence timing, col. 7 lines 21-24), (spreading sequence may be randomly generated from the station identification, refer to abstract, col. 6 lines 42-45, sequence timing, col.7 lines 21-24).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “said network based on information pertaining to an address of said destination node and information pertaining to at least one other factor”, as taught by Wang. The capability can be implemented by controller. The motivation is to avoid interference and noise.

Art Unit: 2616

4. Claims 2-3, 6, 9-10, 13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over '756 in view of Wang, as above, further, in view of **Schilling et al** (US Patent No. 6,512,784), hereinafter, '784

For claims 2, 6, 9, 13 and 16, '756 in view of Wang discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by '784, as follows:

- wherein: said at least one other factor includes at least one of a network prefix (The PS-remote station sends a short identification packet (network prefix), refer to lines 62-65), time of day, and provider information, (**time slot**, refer to col. 13 lines 28-30 and col. 19 lines 20-30).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of "**wherein: said at least one other factor includes at least one of a network prefix, time of day, and provider information**", as taught by '784. The capability can be implemented by controller. The motivation is to improve efficiency of packet-switched system and avoid interference.

For claims 3, 10 and 17, '756 discloses all the limitations including the following limitations:

- * wherein said network includes a multi-channel (**paragraph 0011**) mobile wireless ad-hoc network; and said transceiver (**figs. 4-5**, refer to figs. 4-5, paragraphs 0010 and 0012) is for transmitting and receiving said messages to and from said other nodes in said multi-channel mobile wireless ad-hoc network, (figs 4-5).

5. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘756 in view of Wang , as above further in view of **Difonzo et al** (US Patent Application No. 2005/0164664), hereinafter, ‘664.

For claims 7 and 14, ‘756 in view of Wang discloses all the limitations of subject matter, with the exception of the following limitations, which are disclosed by ‘664, as follows:

- wherein said other network includes at least one of the PSTN, another ad-hoc network and the Internet, refer to fig. 4 and paragraph 0031.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of “wherein said other network includes at least one of the PSTN, another ad-hoc network and the Internet”, as taught by ‘664. The capability can be implemented by controller. The motivation is to improve efficiency of packet-switched system.

Response to Arguments

6. Applicant’s arguments filed 12/23/2005 have been fully considered but they are not persuasive.

Applicant argues, “Nowhere do these references teach or suggest that the actual spreading of the signal is based on information pertaining to an address of the destination node (which can be one of the nodes in the network or an access point in the network) and information pertaining to at least one other factor.

In response, it is stated that said network based on information pertaining to an address of

Art Unit: 2616

said destination node and information pertaining to at least one other factor (sequence timing, col. 7 lines 21-24), (spreading sequence may be randomly generated from the station identification, refer to abstract, col. 6 lines 42-45, sequence timing, col. 7 lines 21-24

Applicant argues regarding “information pertaining to at least one other factor”, further arguing that the other factor includes a network prefix, time of day, and/or provide information, as claim in claim 2.

In response, it is stated that this limitation “the other factor includes a network prefix, time of day, and/or provide information” is not claimed as such by applicant in independent claims 1, 5, 8, 12 and 15. It is claimed in claims 2, 6, 9, 13 and 16, which have also been rejected, refer to office action above. However, these limitations are disclosed by ‘784, as **(During a particular time slot, a packet may be transmitted refer to col. 13 lines 28-30 and col. 19 lines 20-30).**

In light of above explanation, arguments by applicants are not persuasive.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra 4/18/06
Inder P Mehra
Examiner
Art Unit 2616

Seema S. Rao 4/26/06
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600